

# Bryan Morning Eagle

and Pilot

FOURTEENTH YEAR

BRYAN, TEXAS, FRIDAY MORNING, FEBRUARY 26, 1909

NUMBER 109

**New Goods**  
**ARRIVING**  
Daily

**Persian Lace**  
**Bands**  
Eggs and Allovers  
to match

**Allover Lace**  
Cream, White, Ecru  
and colorings  
**75c to \$4.50**  
Per Yd.

**The New**  
**Novelties**  
Laces and bands in  
Valenciennes match  
sets

**10c to 50c**  
New Line of  
**Ruchings**  
**Laces**

Watch this column  
as the new goods are  
opened up we will  
keep you advised.

Within a few days  
we can announce  
complete stocks in  
all departments.

**A. J.**  
**WAGNER**  
& CO.

**OUR**  
**LENT-**  
**EN**  
**LIST**

Black Trout  
Fondon Haddocks  
Smoked Haddocks  
Kipperd Herring  
Shredded Codfish  
Codfish Balls  
Mackerel in Bbls.  
Salmon, all kinds  
Mackerel broiled in tins  
Sardines, imported and  
domestic in oil  
or mustard.

A large variety of choice,  
fresh vegetables re-  
ceived by express  
every month.

Fresh Fish Every Friday

**HOWELL & NEWTON**  
INCORPORATED  
Phones - 23 & 150

## DECIDES DELICATE POINT

Highest Legal Tribunal Passes  
on Important Matter.

COMES UP FROM TEXAS.

United States Supreme Court Holds  
Federal Court Has Jurisdiction Over  
Both Citizens of State and Corporations  
of Nation.

Washington, Feb. 25.—An important  
matter has been settled.

The supreme court of the United  
States has decided a delicate point. It  
relates to the jurisdiction of federal  
and state courts in cases in which the  
citizens of a state have joined suits  
with corporations which are citizens  
only of the United States. The case  
is of Mrs. Mary Dunn of Texas, whose  
husband was killed on the Texas and  
Pacific railroad. She brought suit  
against the company and two of its  
employees for damages, the railroad  
company owing its existence as a cor-  
poration to congress and the em-  
ployees being citizens of Texas. The  
suit was originally instituted in a  
state court of Texas, but afterward  
removed to the federal court.

Mrs. Dunn then filed her original  
petition in the supreme court of the  
United States for a writ of mandamus,  
compelling the restoration of the case  
to the state court on the ground only  
that the court has jurisdiction because  
of the citizenship of employee defend-  
ants. The court, however, held against  
this contention, holding that as the em-  
ployees have been joined with the rail-  
road company the federal court has  
jurisdiction over them as well as over  
the corporation.

Justice Peckham, who handed down  
the opinion, said the rights of the Texas  
and Pacific Railway company could  
not be taken away, even though it was  
made an associate defendant with citi-  
zens of Texas.

## GAMBLING IN FUTURES.

Henry Striving to Have His Measure  
Prohibiting It Adopted.

Washington, Feb. 25.—Representa-  
tive Henry of Texas is striving to  
have the house committee on agricul-  
ture adopt his bill for the prohibition  
of gambling in futures. The measure  
makes it unlawful for any telephone,  
telegraph or other company engaged  
in interstate commerce to receive and  
transmit any message relating to mar-  
gin contracts for the sale and purchase  
of agricultural products known as "fu-  
tures."

The mails are also barred to specu-  
lators by the bill. It prohibits the  
transmission of communications con-  
taining fictitious prices made upon ex-  
changes for the sale of cotton, wheat,  
corn or other agricultural products.

Characterizing those who deal in  
cotton and grain futures as "vicious  
gamblers, freebooters and buccaneers,"  
and claiming gambling in cotton is  
worse than that of Monte Carlo, C. T.  
Ladson of Atlanta, Ga., counsel for the  
Farmers' union, addressed the house  
committee on agriculture on legisla-  
tion proposed to prevent dealing in  
cotton and grain futures.

Representative Macon of Arkansas,  
who is the author of one of the bills  
that were introduced in the house, also  
addressed the committee.

Ladson declared cotton speculators  
sold 38,000,000 bales of cotton, al-  
though the production was about 12,  
000,000 bales in 1908, he said. It is  
estimated 100,000,000 bales were sold  
on exchanges, while the actual cotton  
produced was only between 12,000,000  
and 14,000,000 bales.

H. W. Summers of Dallas, Tex., at-  
torney for the Texas Farmers' union,  
also appeared before the committee.  
At the conclusion of Mr. Summers' re-  
marks he was invited to submit to the  
committee the draft of a bill which  
would stop the evil. The hearings  
closed with Mr. Summers' speech.

The visiting presidents of the vari-  
ous southern farmers' unions had a  
conference with the president Thurs-  
day evening.

## Time to File Briefs and Reply.

Muskogee, Okla., Feb. 25.—In the  
case of the Muskogee Natural Gas com-  
pany vs. the state of Oklahoma, in-  
volving the question of whether or not  
gas may be piped out of the state,  
Federal Judge Campbell gave the state  
thirty days in which to file briefs and  
the gas company given fifteen days to  
reply. This is the result of two days' argument by attorneys for each side in  
the United States circuit court.

## GO WITH SENATORS.

House Members Change Date to  
Pay Visit to Dallas.

Austin, Feb. 25.—After discussing  
the matter for some time the house  
by a vote of 75 to 20, rescinded its  
action, Thursday, relative to visiting  
Dallas, and decided to go Friday night  
—the same time as the senators. A  
dispatch from Mayor Hay of Dallas  
was read, inviting the house members  
to be that city's guests, regardless  
of pending legislation.

Speaker Kennedy created some di-  
version when he offered a resolution  
providing for a committee to investi-  
gate his selection of house employees,  
their pay and number, two of the  
committee to be members who voted  
against Kennedy.

Moherly opposed the resolution, de-  
claring the speaker's acts above criti-  
cism.

Jennings, Reedy and Moller, who  
had voted against Kennedy, spoke in  
the same strain. Kennedy insisted  
upon the resolution, which was adopt-  
ed after striking out the provision that  
two of the committees must have voted  
against the speaker.

Representative Davis, who was in  
the chair, appointed Hill, Briscoe and  
Bowman as the committee.

A resolution was adopted for the ap-  
pointment of a committee to prepare  
suitable resolutions on the death of the  
late Representative Charles A. Allen  
of Shiner, Colorado county, that ad-  
justment for the honor of his em-  
ory and that a committee be named to  
attend the funeral. Jackson, Schofield,  
Crisp and Von Rosenberg were named  
as the committee to attend the fun-  
eral.

The house passed finally the senate  
bill providing for locomotive ash pans,  
and the Masterson bill, confirming the  
contract between the county of Galves-  
ton and various railroads with refer-  
ence to the use of the causeway, and  
killed by a vote of 71 to 35, Ward's bill  
relating to injunctions in suits involv-  
ing real estate.

Bills were introduced in the house  
as follows: By Robertson (of Travis)  
and Schluter: Lending certain prop-  
erty in city of Austin to Confederate  
Women's home for two years for \$10  
per annum. This property brings an  
annual rental of \$1,500 to \$2,000, which  
will help support the women now at  
the home.

By Gaines, Jenkins and Canales:  
Amending the anti-trust law of 1903,  
making the maximum penalties \$1,500  
each day, permitting suits to be  
brought in any county and giving  
county or district attorney assisting  
10 per cent of penalties collected.

By McLain and Meeks: Compelling  
county commissioners to advance  
money to county assessors to pay  
clerks hire, etc.

By Hamilton (of McCulloch):  
Amending the anti-pass law so that  
peace officers may accept passes.

The senate passed finally the house  
bill creating a house of labor and sta-  
tistics and providing for the appoint-  
ment of a labor commission. It passed  
finally the bill increasing compensa-  
tion of district judges for traveling ex-  
penses.

The chair had read a telegram from  
Mayor Hay of Dallas welcoming mem-  
bers of the senate to that city, and ex-  
tending the freedom of Dallas, re-  
gardless of how members stand on  
pending measures.

Senators Coker and Real were added  
to senate judiciary committee No. 2.

The senate took up the house bill  
by Byrne, requiring railroads to re-  
pair and rebuild their equipment in  
shops in Texas. Considerable opposi-  
tion developed to the measure. Sen-  
ator Ward thought the measure vi-  
cious, and offered amendment strik-  
ing out enacting clause. This caused  
more debate, Senator Sturgeon op-  
posed the bill saying that passage of  
this bill would cause railroads to es-  
tablish shops out of the state alto-  
gether. The senate refused to strike  
out the enacting clause and passed the  
bill to engrossment by a vote of 26  
to 4.

Senate passed finally house general  
deficiency bill, which carries \$108,000.

Senate bills were introduced thus:  
By Masterson: For relief of Kate  
Chambers; Sturgis and Stella J. Mc-  
Gregor, children of Thomas J. Cham-  
bers, by appropriating \$1,000 to re-  
imburse them for land taken by the Re-  
public of Texas where Austin is now  
located.

By Terrell (of McLennan): Relating  
to the manner of selecting jurors in  
cases having a population of over  
50,000.

By Rafter: To define and punish  
the giving of false evidence before  
grand juries by making it a capital  
crime.

## PATTERSON'S PRESENCE.

Rumor Governor Will Testify In-  
creases Throng.

Nashville, Feb. 25.—It had been  
thought the limit had been reached in  
attendance on the Cooper-Sharp trial,  
but the throng that surrounded the  
fall almost before dawn Thursday  
made previous crowds look like a mere  
handful of casual passersby. Deputies  
at times had to resort to force to keep  
over-eager men and women from push-  
ing pell-mell into the courtroom.

The cause of the excitement was a  
well defined rumor, impossible of con-  
firmation or denial, that Governor  
Patterson would take the stand on be-  
half of defendants as soon as Colonel  
Cooper was excused. As the testimony  
goes on the name of Governor Pat-  
terson is being mentioned more freely,  
hence the public accepted the rumor  
as a fact and demanded to be present  
when the chief executive was called  
to testify on behalf of the men who  
had been his closest political lieuten-  
ants and most devoted of personal  
friends.

As soon as court opened Judge Hart  
announced he would exclude the  
Lancet editorial offered by the state.  
It was offered to prove that the  
Lancet, in which Colonel Cooper is in-  
terested, printed the original charges  
against Governor Cox, which, when re-  
peated by Carmack, in the Tennesseean,  
caused Cooper to say either he or Car-  
mack must die.

A great deal of the cross-examina-  
tion was devoted to attacks on Cooper  
claimed to have been made by Car-  
mack upon him during the joint de-  
bates between Governor Patterson and  
Carmack in the recent gubernatorial  
race.

Witness said that in the first attack  
Carmack called him a bolter, which  
he denied by stating that at the time  
he bolted occurred there were two  
regular Democratic tickets and he  
supported Fossell, against Bate. Cooper  
stated he also felt hurt at the state-  
ment made by Carmack that "he domi-  
nated the governor, a man who was  
a bigger man than he," saying that it  
was meant as a slur on him, as he is  
a private citizen and had no mouth-  
piece, no office and no way to protect  
himself.

Judge Hart, after counsel seemed to  
wander from the case, insisted that  
they stick to the case.

Judge Hart ruled out the editorial  
from News-Semitar of March, 1908,  
in which Cooper said caused the first  
break between himself and Carmack.

Witness said he also objected to the  
editorial in the Tennesseean saying the  
Democratic committee was trading  
Bryan for Patterson because it was un-  
true.

Cooper denied he brought Cox and  
Patterson together, but said he would  
have been willing to have done so.

The state continued to revert to the  
political fight which Cooper was  
charged with settling, but the testi-  
mony was invariably ruled out.

Cooper said he had received a mes-  
sage that the town was not big  
enough for himself and the sender,  
that he must either stop the attacks  
being made or prepare to meet a man.

Witness denied every question by  
which the state endeavored to show  
his connection with the statement pub-  
lished in the American and sent out  
by the press the night of the tragedy.  
This defense fought, question after  
question, as the evidence that tended  
to show a conspiracy.

Witness stated he had an income  
from a 900 acre farm. He also said  
he had been in the employ of the  
Louisville and Nashville railroad at  
the time the legislature was trying to  
raise taxes and resigned from its em-  
ploy voluntarily, and had a letter in  
his pockets from the general counsel  
of that road thanking him for his ser-  
vices and offering to re-employ him.

"Did you carry that letter ever  
since?" asked the prosecutor.

"No, sir; I got it because I knew you  
searched the state from end to end to  
get anything that would hurt me and  
because papers in some places charged  
I was a lobbyist."

Witness testified that although he  
owed many debts, when he heard of  
the distress of an old Kentucky soldier  
he had sent him \$1,000, which he drew  
from his farm.

On request of witness, who said he  
was an old man and very tired, court  
at this point adjourned until 2 o'clock.

## SECOND PIPE LINE.

Latter, It Is Said, Will Extend to the  
Gulf of Mexico.

Sherman, Tex., Feb. 25.—It has be-  
come known that the Texas company,  
which has a pipe line for the convey-  
ance of oil through Texas, will immed-  
iately begin to build another line  
through Grayson county. This line, it  
is stated, will begin at a point on Red  
river west of where the present line  
runs and will go directly through Den-  
ison and strike Sherman about where  
the Frisco trains come into the city. It  
will also come directly through this  
city.

While no papers have yet been filed,  
it came from an absolutely reliable  
source that this second line will be  
built and will extend to the gulf.

## Dies Aboard His Ship.

Galveston, Feb. 25.—Captain James  
Dunn of the steamship Lord Dufferin  
died of apoplexy aboard his ship here.  
He was sixty-six years old and nearly  
half a century a seaman.

## Burns Prove Fatal.

Abilene, Tex., Feb. 25.—The fourteen  
months old girl of Walter Gibson died  
from burns sustained from falling into  
a fire.

**8%**  
**EIGHT PER CENT**

IS THE INTEREST  
YOU PAY

**THE**  
**CITY NATIONAL**  
**BANK**

**WHY PAY MORE?**

G. S. PARNER, President

A. W. WILKERSON, Cashier

E. H. ASTIN, Vice Pres.

E. W. CRENSHAW, Asst. Cashier

J. N. COLE

J. N. PARNER

J. W. ENGLISH

## MAPS UNNECESSARY.

"Man in the Back Room" Has No Use  
For Them.

Pittsburg, Feb. 25.—A ghastly joke  
was played on railroad men.

The corpse of a respectable, law-  
abiding Chinaman was the bait that  
lured two well known Pittsburg rail-  
road men to an undertaking establish-  
ment.

Charlie Hamilton, traveling passen-  
ger agent of the Wabash lines, received  
a telephone inquiry if his road  
could sell two tickets to San Fran-  
cisco. L. H. McCormick of the Frisco  
Rock Island lines, got the same mes-  
sage about the same time. Both are  
known for their energy in going after  
business for their roads, and both re-  
sponded instantly.

Gathering pamphlets, maps and tick-  
ets they went quickly to the address given  
and presented their cards. "See the  
man in the back room," responded the  
clerk. Wending their way through  
dimly lighted corridors they stumbled  
into an embalming room.

"We are in the wrong place," sug-  
gested one of the agents.

"You are in right, and this is your  
passenger," and please make up two  
tickets to San Francisco."

The tickets were made out—and the  
maps and pamphlets weren't needed,  
either. The routing seemed to suit the  
passenger very well. But the story  
was too good to keep. Each man  
claimed it was the other whose teeth  
rattled. Chinese cadavers in "the al-  
together" are not cheerful topics.

## Cardinal No More.

Toledo, Spain, Feb. 25.—Cardinal  
Hervas, archbishop of Toledo, died  
here Thursday. He was born in 1833  
and created a cardinal in 1894.

## Coming After Fuller.

Abilene, Tex., Feb. 25.—Advises re-  
ceived here from Sheriff Brashfield,  
at Dresden, Tenn., state that he is  
coming for S. B. Fuller, charged with  
the murder of Ike Butler at that place  
ten years ago. Fuller escaped while  
the case was pending in the Tennessee  
supreme court. He came here from  
Arkansas recently and is a farmer.  
Fuller admitted killing Butler, but  
claims self-defense.

## Intent to Murder Charged.

Chickasha, Okla., Feb. 25.—Frank  
Costello, a grandson of former Em-  
peror Maximilian of Mexico, was  
placed under \$500 bond here, charged  
with firing at Robert Diaz with intent  
to murder. The men had an alterca-  
tion, Costello is alleged to have fired  
twice.

## A Drawing Card.

"I see sixteen years elapse between  
acts 2 and 3," said the manager.  
"Gives me an idea."

"What's that?" inquired the author.  
"I'll have the gowns that the heroine  
wears during those sixteen years on  
exhibition in the lobby. That ought to  
draw the women in droves."—Louis-  
ville Courier-Journal.

## Groceries, Garden Seed, Poultry.

These are our leaders. No better Groceries any-  
where. Garden Seed bought in bulk, therefore  
pure and fresh. Poultry and eggs always on hand.

**C. E. Bullock & Co.**